

09-16-03

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By: Barbara Bryant
Barbara Bryant

Date: September 15, 2003

Patent
Attorney's Docket No. P-022-RC1
Customer No. 27038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
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| In re Patent Application of |) | |
| |) | |
| JUDICE et al. |) | Group Art Unit: 1653 |
| |) | |
| Application No.: 10/092,088 |) | Examiner: David Lukton |
| |) | |
| Filed: March 6, 2002 |) | |
| |) | |
| For: GLYCOPEPTIDE DERIVATIVES |) | |
| AND PHARMACEUTICAL |) | |
| COMPOSITIONS CONTAINING |) | |
| THE SAME |) | |

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 CFR §1.56, Applicants hereby submit the following information in conformance with CFR §§1.97 and 1.98. Enclosed herewith is form PTO-1449 which lists documents for consideration by the Examiner. Copies of the cited documents are also enclosed herewith.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. §1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability (37 C.F.R. §1.97(h)).

Attorney Docket No. P-022-RC1
Application Serial No.: 10/092,088
Customer No. 27038

Page 1 of 3

The documents listed as B1, B2, B13, B14, B15 and B17 on the enclosed form PTO-1449 were cited in the PCT International Search Report mailed on May 18, 2000, for the corresponding PCT Application No. PCT/US99/30543. A copy of the PCT International Search Report is enclosed herewith for the convenience of the Examiner.

Additionally, the documents listed as A4, B1, B2, B14, B15, B19, and B22 on the enclosed form PTO-1449 were cited in the Search Report completed by the Austrian Patent Office on January 7, 2002, on behalf of the Intellectual Property Office of Singapore, for the corresponding Singaporean application. A copy of the Austrian Patent Office Search Report is also enclosed for the convenience of the Examiner.

Pursuant to 37 C.F.R. §1.98(a)(3)(i), a concise explanation of the relevance of the following non-English language document is provided:

(1) FUKUZAWA et al., "Modification of sugar part of glycopeptide antibiotic, vancomycin", Tennen Yuki Kagobutsu Toronkai Koen Yoshishua, 40th, pp 151-156 (1998) discloses various derivatives of vancomycin in which the C6 position of the glucose moiety in vancomycin has been modified to incorporate a functional group. An English-language abstract and an English-language translation of this document are also enclosed herewith.

Consideration of the documents listed on the enclosed PTO-1449 is respectfully requested. Additionally, the Examiner is respectfully requested to return an initialed copy of the enclosed form PTO-1449 to Applicants.

Additionally, Applicants hereby bring to the Examiner's attention the following commonly-assigned, copending applications and issued patents:

- (1) U.S. Patent No. 6,392,012, issued May 21, 2002;
- (2) U.S. Patent No. 6,444,786, issued September 3, 2002;
- (3) U.S. Patent No. 6,455,669, issued September 24, 2002;
- (4) U.S. Serial No. 09/776,466, filed February 2, 2001;
- (5) U.S. Serial No. 09/847,041, filed May 1, 2001;
- (6) U.S. Serial No. 09/847,042, filed May 1, 2001;
- (7) U.S. Serial No. 10/436,341, filed May 12, 2003;
- (8) U.S. Serial No. 09/847,052, filed May 1, 2001;
- (9) U.S. Serial No. 10/601,847, filed June 23, 2003;

(10) U.S. Serial No. 09/847,048, filed May 1, 2001; and

(11) U.S. Serial No. 09/847,061, filed May 1, 2001.

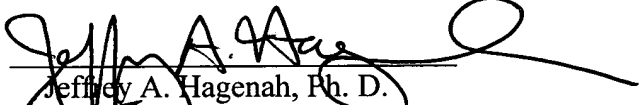
This Information Disclosure Statement is being filed before the mailing date of a first official action on the merits for this application and therefore, no fee or certification is required under 37 CFR §1.97(b). In the event that an Office Action is mailed prior to receipt of this paper, the Commissioner is hereby authorized to charge the requisite fees under 37 CFR §1.97(c) for submission of this paper to Deposit Account No. 50-0344.

Should there be any questions concerning the cited documents, the Examiner is encouraged to telephone the undersigned attorney for Applicants at (650) 808-6406 (direct).

Respectfully submitted,

THERAVANCE, INC.

Date: Sept. 15, 2003

By: 
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 4

Complete if Known

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|------------------------|-----------------|
| Application Number | 10/092,088 |
| Filing Date | March 6, 2002 |
| First Named Inventor | J. Kevin JUDICE |
| Art Unit | 1653 |
| Examiner Name | David LUKTON |
| Attorney Docket Number | P-022-RC1 |

U.S. PATENT DOCUMENTS

| Examiner Initials * | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|------------------------|--------------------------|--|--------------------------------|--|---|
| | | Number - Kind Code ² (if known) | | | |
| | A1 | US-4,497,802 | 02-05-1985 | Debono | |
| | A2 | US- 4,639,433 | 01-27-1987 | Hunt et al. | |
| | A3 | US- 4,643,987 | 02-17-1987 | Nagarajan et al. | |
| | A4 | US- 4,661,470 | 04-28-1987 | Malabarba et al. | |
| | A5 | US- 4,698,327 | 10-06-1987 | Nagarajan et al. | |
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| | A7 | US- 5,534,420 | 07-09-1996 | Debono et al. | |
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| Examiner Initials * | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|------------------------|--------------------------|--|--------------------------------|---|--|----------------|
| | | Country Code ³ - Number ⁴ - Kind Code ⁵ (if known) | | | | |
| | B1 | WO 88/06600 A1 | 09-07-1988 | Gruppo Lepetit S.P.A. | | |
| | B2 | WO 90/11300 A1 | 10-04-1990 | Gruppo Lepetit S.P.A. | | |
| | B3 | WO 97/28812 A2 | 08-14-1997 | Giuliani S. A. | | |
| | B4 | WO 97/34623 A1 | 09-25-1997 | Transcell Technologies, Inc. | | |
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| | B12 | WO 00/04044 A1 | 01-27-2000 | Princeton University | | |
| | B13 | EP 0 182 157 A2 | 05-28-1986 | Gruppo Lepetit S.P.A. | | |

Examiner
SignatureDate
Considered

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SEP 15 2003

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**INFORMATION DISCLOSURE
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Sheet 2 of 4

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|------------------------|-----------------|
| Application Number | 10/092,088 |
| Filing Date | March 6, 2002 |
| First Named Inventor | J. Kevin JUDICE |
| Art Unit | 1653 |
| Examiner Name | David LUKTON |
| Attorney Docket Number | P-022-RC1 |

FOREIGN PATENT DOCUMENTS

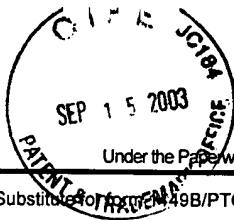
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Examiner
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Considered

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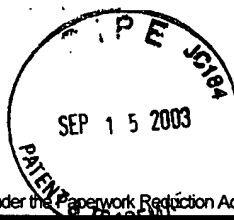
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|------------------------|--------------------------|---|----------------|
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| | C24 | PAVLOV et al., "Chemical Modification of Glycopeptide Antibiotics [VC1], Russian Journal of Bioorganic Chemistry, Vol. 24, No. 9, pp 570-587 (1998) | |
| | C25 | PAVLOV et al., "Mono and Double Modified Teicoplanin Aglycon Derivatives on the Amino Acid No. 7; Structure-activity Relationship", The Journal of Antibiotics, Vol. 51, No. 1, pp 73-78 (1997) | |
| Examiner Signature | | Date Considered | |

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| Filing Date | March 6, 2002 |
| First Named Inventor | J. Kevin JUDICE |
| Art Unit | 1653 |
| Examiner Name | David LUKTON |
| Attorney Docket Number | P-022-RC1 |

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|------------------------|--------------------------|---|--------------------|
| | C26 | RODRIGUEZ et al., "Novel Glycopeptide Antibiotics: N-Alkylated Derivatives Active Against Vancomycin-Resistant Enterococci", Vol. 51, No. 6, pp 560-569 (1998) | |
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| | C29 | STAROSKE et al., "Synthesis of Covalent Head-to-Tail Dimers of Vancomycin", Tetrahedron Letters 39, pp 4917-4920 (1998) | |
| | C30 | SUNDRAM et al., "Novel Vancomycin Dimers with Activity against Vancomycin-Resistant Enterococci", J. Am. Chem. Soc., Vol. 118, pp 13107-13108 (1996) | |
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